

#16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Gauselmann

Serial No.: 09/491,779

Filing Date: January 26, 2000

Title: **METHOD FOR OPERATING A COIN ACTUATED ENTERTAINMENT
AUTOMAT**

Examiner : Dolores S. Collins

Art Unit: 3711

September 13, 2001

Attorney's Docket: ADP231

RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

Hon. Commissioner of Patents and Trademarks

Box: DAC

Washington, D.C. 20231

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SIR:

This is in response to the Decision of the Petition of Reinstatement dated July 20, 2001 setting a statutory period for response of two months, said period expiring on September 20, 2001.

The mentioned document states that, "Decision on the Petition Under 37 C.F.R. § 1.137(b), filed May 15, 2001, to revive the above-identified application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within two months from mail date of this decision. Extensions of time under 37 CFR 1.13(a) are permitted. The reconsideration request should include a

cover letter entitle “:Renewed Petition Under 37 C.F.R§1.137(b).” This is not a final agency decision.

The application became abandoned on December 16, 2000 for failure to submit a proper reply to the final office action, mailed September 15, 2000, which set a three month shortened statutory period for reply. The amendment filed December 15, 2000 failed to place the application in condition for Allowance as applicant was so notified by way of Advisory Action mailed January 11, 2001. No extensions of time for reply in accordance with 37 C.F.R. § 1.136(a) were obtained. Notice of Abandonment was mailed April 20, 2001.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) the required reply to the outstanding office action or notice, unless previously filed;

(2) the petition fee as set forth in 37 C.F.R. § 1.17 (m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137 (b) was unintentional. The Commissioner may require additional information where there is question whether the delay was unintentional; and

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(4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.120 (d)) required pursuant to 37 C.F.R. § 1.137(c).

The present petition fails to satisfy requirement (1) above.

Petitioner is entitle to submit a Request for Continued Examination (“RCE”) as the reply required by 37 C.F.R. § 1.137(b)(1). The RCE submitted herewith fails to comply with the requirements of 37 C.F.R. § 1.14(a). A request for continued examination of an application must be accompanied by a submission and the required RCE fee. Petitioner has failed to provide the required submission. Accordingly, this application cannot be revive until a proper reply is submitted. Any renewed petition should be accompanied by a submission within the meaning of 37 C.F.R. § 1.14(c)”.

The Decision on Petition states that, “a request for Continued Examination of an Application must be accompanied by a submission and the required RCE fee”.

The term “submission” is read by the applicant as “RCE Submission”.

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Applicant had filed on May 15, 2001 the same date he filed Petition for Revival of an application for Patent abandoned Unintentionally.

A copy of said petition is attached.

It is believed that this petition may have met the requirements expressed in the Decision on Petition, but may not have been associated with the Official file at the time the Decision was rendered.

Reconsideration of the Decision is respectfully requested.

Applicant further notes that on December 15, 2000 an Amendment was filed in response to the Office Action of September 15, 2000.

If the term "submission" employed in the Decision on Petition should refer to such response submission, the consideration of said amendment is respectfully requested.

In response to said requirements applicant further respectfully submits the following partly as a repetition:

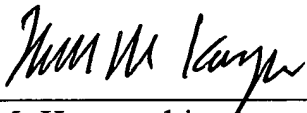
- a) Another Request for Continued Examination (RCE)
- b) Another Fee in the amount of \$355.00 is to be charged to a credit card. Form PTO-2038 is enclosed.
- c) Another Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b)

d) Another Fee in the amount of \$620.00 is to be charged to a credit card. Form PTO-2038 is enclosed.

A copy of the Decision on Petition dated July 20th, 2001 is enclosed.
Reconsideration of the present petition is respectfully requested.

Respectfully requested,

Michael Gauselmann

By: 

Horst M. Kasper, his attorney
13 Forest Drive, Warren, N.J, 07059
Tel.(908) 526-1717 fax (908) 526-6977
Reg. 28,559 Docket No.: ADP231

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Michael Causelman

Application No.: 09/491,779

Group Art Unit: 3711

Filed: 01/26/2000

Examiner: J. Chapman

Title: Method for operating a coin actuated entertainment automat

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 120.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Request for Continued Examination (identify type of reply):

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

B. The issue fee of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

September 13, 2001

Date

Telephone
Number: (908) 526-1717

Horst M. Kasper

Signature

Horst M. Kasper

Typed or printed name

13 Forest Drive

Warren, NJ 07059

Address

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Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

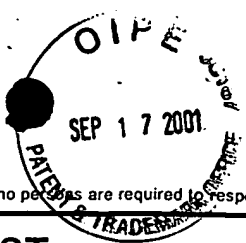
☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

09/14/2001
Date

TADEUSZ MATWIEJCZYK

Signature

TADEUSZ MATWIEJCZYK
Type or printed name of person signing certificate



Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/491,779
Filing Date	01/26/00
First Named Inventor	Michael Gauselman
Group Art Unit	3711
Examiner Name	J. Chapman
Attorney Docket Number	ADP231

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/ISB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. ☐ Other _____
- b. ☐ Enclosed
 - i. ☐ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☐ Other _____

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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____
 - i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Horst M. Kasper	Registration No. (Attorney/Agent)	28 559
Signature		Date	May 14, 2001

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

COPY



DOCKET NO.: ADP231

SERIAL NO.: 09/491,779

The date stamp of the Patent Office hereon may be considered as the date on which papers indicated below were received

- <X> Request for Continued Examination (RCE)
- <X> Credit Card Payment Form PTO-2038 for 355.00
- <X> Transmittal Letter

(Patent Office. Please stamp and return to the addressee on reverse side)

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Horst M. Kasper
13 Forest Drive
Warren, NJ 07059

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In re Application of
Gauselmann
Application No. 09/491,779
Filed: January 26, 2000
Attorney Docket No.: ADP231
For: METHOD FOR OPERATING A COIN
ACTUATED ENTERTAINMENT AUTOMAT

This is a decision on the petition under 37 C.F.R. § 1.137(b),
filed May 15, 2001, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be
submitted within **TWO (2) MONTH** from mail date of this decision.
Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The
reconsideration request should include a cover letter entitled
"Renewed Petition under 37 C.F.R. § 1.137(b)." This is not a
final agency decision.

The application became abandoned on December 16, 2000 for failure
to submit a proper reply to the final Office action, mailed
September 15, 2000, which set a three (3) month shortened
statutory period for reply. The amendment filed December 15, 2000
failed to place the application in condition for allowance as
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with 37 C.F.R. § 1.136(a) were obtained. Notice of Abandonment
was mailed April 20, 2001.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be
accompanied by:

- (1) the required reply to the outstanding Office action or
notice, unless previously filed;
- (2) the petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) a statement that the entire delay in filing the
required reply from the due date for the reply until the filing
of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was
unintentional. The Commissioner may require additional
information where there is a question whether the delay was

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unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The present petition fails to satisfy requirement (1) above. Petitioner is entitled to submit a Request for Continued Examination ("RCE") as the reply required by 37 C.F.R. § 1.137(b)(1). The RCE submitted herewith fails to comply with the requirements of 37 C.F.R. § 1.114(a). A request for continued examination of an application must be accompanied by a submission and the required RCE fee. Petitioner has failed to provide the required submission. Accordingly, this application cannot be revived until a proper reply is submitted. Any renewed petition should be accompanied by a submission within the meaning of 37 C.F.R. § 114(c).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, DC 20231

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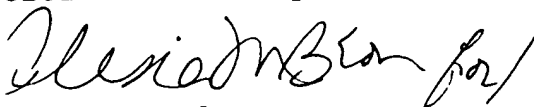
By facsimile: (703) 308-6916

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By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

OFFICE OF PETITIONS

Telephone inquiries concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy